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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

SMASH TECHNOLOGY, LLC, a Nevada
limited liability company; and MICHAEL
ALEXANDER, an individual;

Plaintiffs,

vs.

SMASH SOLUTIONS, LLC, a Delaware
limited liability company; JERRY “J.J.”
ULRICH, an individual; and JOHN DOES 1-3;

Defendants.

**DECLARATION OF
DARREN G. REID IN SUPPORT OF
RULE 56(d) RELIEF**

Case No. 2:19-cv-00105-TC

Judge Tena Campbell

SMASH SOLUTIONS, LLC, a Delaware
limited liability company; JERRY “J.J.”
ULRICH, an individual; and JOHN DOES 1-3;

Counterclaim Plaintiffs,

vs.

SMASH TECHNOLOGY, LLC, a Nevada
limited liability company; and MICHAEL
ALEXANDER, an individual;

Counterclaim Defendants.

DECLARATION OF DARREN G. REID

I, Darren G. Reid, declare as follows:

1. I am a partner at Holland & Hart, LLP, counsel for the Plaintiffs in the above-captioned matter. I have personal knowledge of the facts in this declaration and, if called to testify as a witness, I would testify under oath to these facts.

2. On May 31, 2019, Defendants served their first set of written discovery requests to Plaintiffs. On June 12, 2019, Plaintiffs served their first set of document requests to Ulrich and Smash Solutions. The last day to file a motion to amend is July 31, 2019. Fact discovery closes in December 2019 and trial is currently set for November 2020.

3. Because the parties have not responded to any discovery as of this date, Plaintiffs do not have in their possession critical and essential documents that would further support their opposition to Defendants' summary judgment motion, including, specifically, the parties' rights, interests, and ownership in, and/or control of, the intellectual property, software technology, and CRM Platform at issue in this case. For this reason, Plaintiffs have specifically requested, among other things, documents relating to Ulrich's personal and business financial records, Ulrich's use of Alexander's cash and Bitcoin, Ulrich's communications with Feracode, and Ulrich's transactions with Feracode.

4. In depositions, including of relevant third-parties, Plaintiffs anticipate supporting their claims and rebutting Defendants' contention of sole ownership and possession of the intellectual property with additional evidence related to (1) Alexander and Ulrich engaging in a Smash Technology partnership and/or joint venture; (2) Alexander and Ulrich investing cash, cryptocurrency, and other resources—including infant intellectual property—into their Smash

Technology partnership and/or joint venture; (3) Smash Technology entering into an agreement with Feracode for the development of the intellectual property, software technology, and CRM Platform; and (4) Alexander's investments into Smash Technology paying for Feracode's development of the intellectual property, software technology, and CRM Platform for technology's benefit.

5. In summary, Plaintiffs expect additional evidence in discovery will dispute Defendants' contentions that Smash Solutions (or Ulrich) is the exclusive owner of the intellectual property, software technology, and CRM Platform developed by Feracode, and demonstrate that, at the very least, there are genuine issues of material fact to be determined at a trial and not on summary judgment in Defendants' favor. Plaintiffs expect it will also dispute Defendants' contentions that Plaintiffs have no rights or interests in the same, whether as a result of the parties' partnership, joint venture, or other legal relationship.

I declare under penalty of perjury under the laws of the State of Utah and the United States that the foregoing is true and correct.

Executed this 21st day of June, 2019 in Salt Lake City, Utah.

By: /s/ Darren Reid
Darren Reid

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